O. Munis. Servant/50

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File No.
Legal Department

A **BRANCH**

Subject:— Opinions under the Bombay Servants Act, 1890

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C O N T E N T S.

Legal Department File No. C. Munis. Servants/50

Sr.No.	R.I./C.No.	Subject	Pages.
		Opinions under the Bombay Municipal Servants Act, 1890.	
1)	C.No.1839/31-1-51.	Question regarding Bombay Public security Measures Act, 1947, and Bombay Municipal Servant Act,1890 which govern the Municipal Servants Application of - to different catagories of servants.	1-2

MR
1247
K.S.R.
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The questions for R.L.A's determination were not raised with precision and the case x was therefore discussed with the Municipal Commr.

The first point upon which the Municipal Commr. requires clarification is how far the two Acts cover the various categories and to what extent the presumption made by him in respect of certain categories of workers are correct. The Bombay Municipal Servants Act was passed in the year 1890 and the Schedule to that Act was naturally based upon the services as they then existed. It appears from the discussion with the Municipal Commr. that these services have since considerably expanded in their nature and scope with the result that all the various categories of services as they obtain to-day would not fit in the classification given in the Schedule. It is impossible to specify every single category in the Schedule for such categories are endless and can never be closed. It was, therefore, suggested to the M'pal Commr. that he should first make a list of all the present categories so that a suitable formula which will embrace the category in different classes can be evolved and substituted for the classification given in the Schedule. Pending the amendment of the Schedule, this classification can be adopted for purposes of issuing a notification under section 5 of the Bombay Public Security Measures Act.

Coming now to the concrete cases and, presumptions mentioned by the Municipal Commr. in his note:-

(1) The presumption that both the Acts

apply to the workers even though they are working outside the municipal limits would appear to be correct. It is true that the Bombay Municipal Servants Act was to come into force in the city of Bombay. However, sub-section(2) of section 2 provides that, in so far as it affects the city of Bombay, it shall be read with the City of Bombay Municipal Act, 1888, and section 3 applies to any Municipal Officer, servant or other person employed by or on behalf of the Corporation to perform any of the duties specified in the Schedule. Reading these provisions together, it would, therefore seem that any Municipal officer, servant or person employed by or on behalf of the Corporation under the City of Bombay Municipal Act, 1888,

Papers returned to H.D. on 29-1-1950 .
U.R. to H.D.No.1839,dt.31-1-51.

R.D.P.
6/7/56

S.C.